

TOWN OF FOXBOROUGH
EXECUTIVE SESSION
MINUTES
January 31, 2012

Members Present: Larry Harrington, Chairman
 James J. DeVellis, Vice Chairman
 Mark Sullivan, Clerk
 Lorraine Brue
 Lynda Walsh

Others Present: Attorney Leo Peloquin

The purpose of this Executive Session was to discuss non-union bargaining strategies and to exit Executive Session for the sole purpose of adjournment.

Leo Peloquin gave a brief update on where the Board is on this issue. He mentioned that he has had a discussion with Randy Scollins regarding his interpretation of the COLA/raise issue. Larry said there had been mention of "triple damages" and he asked Leo Peloquin to explain that. Leo said the Wage Action Statute in Mass. comes with a penalty of triple damages. He said he has reviewed the contract and in his opinion the Town Manager is not entitled to the Personnel By-Law COLA increase. He said the contract does include a salary provision; that even under the current rate, there is no place that would be found in the Personnel Wage By-Law. He pointed out that the contract ties the salary to evaluation of goals and objectives.

Larry Harrington said that the composite score of the evaluations was in the mid 70's and that the contract is void in terms relative to percentage or value of an increase. He asked if a mid 70's was equal to 1% and mid 80s to 2%, etc. He said he had tried to balance the evaluations as fairly as possible and tried to not overly criticize without being overly blunt. He noted that it is all ready on record what the reasons were. He said the Town Manager has alluded to a potential suit.

A lengthy discussion ensued regarding the direction the Board would take to resolve this issue over the eligibility of the Town Manager for a COLA or a performance based wage increase. Comments included renegotiating the contract, what the expectations of the Board are, the scope of goals and objectives, and rating the evaluations. Leo Peloquin summarized what actions he felt the Board wanted. He suggested drafting an addendum to the contract that would address the issues. Further discussion was held regarding the particulars to be included in the addendum, how this might be received by the Town Manager, performance issues not included in goals and objectives, whether the Town is contractually obligated to give a raise and how a decision on these issues would impact future employment contracts.

Motion by Larry Harrington to have Labor Counsel draft and circulate to Board members for review a proposal to the Town Manager that would resolve the dispute over a FY-12 pay raise and avoid a lawsuit. The proposal would be a written agreement and/or addendum to his Contract and would include the following provisions.

- The Board would increase the Town Manager's salary by 3% for FY-12.
- The increase was not a Personnel By-Law COLA or a performance based increase and it would not establish a precedent for the future.
- The Town Manager is not eligible for any Personnel By-Law COLA.
- Any future salary increase would be based on the performance evaluation process as stated in the Contract and the Board's current evaluation instrument will be used unless it is changed by mutual agreement.
- Both parties waive any claims related to the FY-12 pay raise dispute.

Motion was seconded by Mark Sullivan.

Vote: 5-0-0	Larry Harrington, Chairman	Yes
	Jim DeVellis, Vice Chairman	Yes
	Mark Sullivan, Clerk	Yes
	Lorraine Brue	Yes
	Lynda Walsh	Yes

Motion by Mark Sullivan to exit Executive Session for the sole purpose of adjournment. Seconded by Lynda Walsh.

Vote: 5-0-0	Larry Harrington, Chairman	Yes
	Jim DeVellis, Vice Chairman	Yes
	Mark Sullivan, Clerk	Yes
	Lorraine Brue	Yes
	Lynda Walsh	Yes

Meeting adjourned at 10:30 p.m.

Mark Sullivan, Clerk